

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

SHAINA E. CHALUPA,

Plaintiff,

vs.

KILOLO KIJAKAZI, Acting  
Commissioner of Social Security  
Administration,

Defendant.

CV-22-42-BLG-KLD

ORDER

Plaintiff Shaina E. Chalupa (“Chalupa”), by and through her attorney, John E. Seidlitz, Jr., moves under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412(d), for attorney fees incurred in prosecuting her Social Security appeal. She requests \$7,352.85 in fees.

Counsel for Defendant Commissioner of Social Security (“Commissioner”) has been contacted and agrees to Chalupa’s application for fees in this amount.

Upon Plaintiff’s application for fees under the Equal Access to Justice Act, and for good cause showing:

Accordingly, **IT IS ORDERED** that Chalupa’s Application for Award of EAJA Fees is GRANTED. Chalupa shall recover from the Commissioner \$7,352.85 in fees.

**IT IS FURTHER ORDERED** that if, after receiving the Court's EAJA fee order, the Commissioner (1) determines upon effectuation of the Court's EAJA fee order that Plaintiff does not owe a debt that is subject to offset under the Treasury Offset Program, (2) agrees to waive the requirements of the Anti-Assignment Act, and (3) is provided a valid assignment of fees executed by Plaintiff, the fees will be made payable to Plaintiff's attorney and mailed to Plaintiff's attorney's office as follows:

Seidlitz Law Office  
P.O. Box 1581  
Great Falls, MT 59403-1581

However, if there is a debt owned under the Treasury Offset Program, the Commissioner cannot agree to waive the requirements of the Anti-Assignment Act, and any remaining EAJA fees after offset will be paid by a check made out to Plaintiff, but delivered to Plaintiff's attorney.

DATED this 24th day of January, 2023.



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Kathleen L. DeSoto  
United States Magistrate Judge